Customer No. 24498
Attorney Docket No. PU020493
Final Office Action Date: 7/7/10

PATENT

Remarks/Arguments

Claims 1-18 are pending in this application and are rejected in the Office Action of July 7, 2010. Independent claims 1 and 8 have been amended to more clearly and distinctly recite the subject matter that Applicants regard as their invention. In particular, the claims have been amended to replace the term "indicator" with "icon." Support for the amendment is provided, for example, on page 14, lines 27 to 28. No new matter is believed be added by the amendment.

Re: Claims 1-3, 5-6, 8-10 and 12-13

Claims 1-3, 5-6, 8-10 and 12-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0201254 by Looney et al. (hereinafter, "Looney"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants maintain that Looney fails to disclose or suggest each and every limitation of the previous set of claims, particularly with respect to the term "common visual indicator," for the reasons discussed in Applicants' previous responses. However, to move the prosecution of this case forward, applicants have amended the independent claims to recite the term "icon" which is the term used in the specification.

Applicants respectfully submit that the term "icon" is distinguishable from the highlighting/unhighlighting of a term as used in Looney. Clearly, an "icon" is a visual indicator or symbol that is **separate** from the entry term itself. Thus, an icon cannot be considered to be equivalent to the entry term which has been highlighted or unhighlighted.

Additionally, applicants submit that Looney fails to disclose or suggest the third category to which an entry may belong, as recited in the pending claims. As discussed in the specification as filed, the present invention provides for an indication that an entry is "**partially picked**." Partially picked means that the entry represents more than one song (i.e., artist, album, genre, and year), wherein at least one of the songs, but not all

of the songs, in that entry has been picked (page 14, lines 12 to 18). This category applies to an entry that represents more than one song.

The partially picked feature is shown, for example in figures 5B and 5C. In both figures, each of the entries represents a plurality of songs, each entry in figure 5B represents an artist, and each entry in figure 5C represents a particular album. In each of the entries of figures 5B and 5C, it is possible that the user has partially selected the entry, that is, the user has selected one or more, but not all, of the songs associated with that artist or album. This is in contrast with the entries shown in figure 5D, wherein each entry represents a single song, and is thus associated with either the first or the second category, that is, either "picked" or "not picked." Applicants respectfully submit that nowhere does Looney teach or suggest the recited third category of the pending claims.

The Office Action asserts that this third category is disclosed in Looney at paragraphs [0186] - [0187] and figures 60 - 61. The office action further asserts "the **third category corresponds to a single song in a playlist** that has been highlighted or selected" (emphasis added). Such a third category cannot be equated to the third category recited in the pending claims because the third category of the pending claims represents **a plurality of songs**." Thus, even if Looney discloses in the cited paragraphs and figures that a single song in a playlist has been highlighted or selected, applicants submit that such a description does not disclose or suggest the third category recited in the pending claims.

Amended claim 1, for example, recites "said entry is in said third category if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user for inclusion in said playlist." As discussed above, this third category corresponds to the "partially picked" category. In this category the entry corresponds to a plurality of songs. The third category cannot correspond to a single song in a playlist as asserted by the office action. Therefore, applicants submit

that Looney fails to disclose or suggest the third category as recited in the pending claims.

In fact, figures 60 and 61 illustrates that Looney does not provide at all for displaying entries that have been partially picked. Screen portion 2460 displays the file structure, 2462 shows the contents of the particular file that has been selected, and 2464 shows the specific songs, or files, that have been selected for burning. As shown in figure 61, screen portions 2462 and 2464 **only show individual songs**. Neither screen portion shows an entry that corresponds to a plurality of songs. Screen portion 2460 shows the file structure, however this screen portion fails to indicate at all whether a particular entry is partially picked. In the case that any file folder in screen portion 2460 is highlighted, this may indicate that a particular file folder has been selected. However such a display is completely unable to indicate, based on highlighting or not highlighting, whether the entry has been "partially picked."

In view of the above, applicants respectfully submit that Looney fails to disclose or suggest each and every limitation of the pending claims, and as such, the amended independent claims, and the claims that depend there from, are not anticipated by the teachings of Looney.

Re: Claims 4 and 11

Claims 4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent No. 5,086,345 issued to Nakane et al. (hereinafter, "Nakane"). Applicants respectfully traverse this rejection since Nakane is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 4 and 11 ultimately depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 7 and 14

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent Publication No. 2002/0103796 by Hartley

(hereinafter, "Hartley"). Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 7 and 14 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 15-18

Claim 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent Publication No. 2006/0212442 by Conrad (hereinafter, "Conrad"). Applicants respectfully traverse this rejection since Conrad is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 15-18 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
Newton Galileo Guillen et al.

By: _____
Paul P. Kiel
Attorney for Applicants
Reg. No. 40,677

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08540

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